

DCNE2004/1160/O - SITE FOR ERECTION OF SINGLE DWELLING AT LAND WEST OF ACCESS TO MILLFIELDS, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TG

For: Mr & Mrs D E Millington-Jones Wall, James & Davies 15-23 Hagley Road Stourbridge West Midlands DY8 1QW

Date Received:
31st March 2004

Ward:
Frome

Grid Ref:
64777, 43253

Expiry Date:
26th May 2004

Local Member: Councillor R Manning

1. Introduction

This rectangular shaped plot is located on the western side of Millfields, Canon Frome. The proposal is to develop the site with one dwelling. The land is presently being used for the storage of timber. Residential development adjoining the eastern boundary with open countryside to the west.

2. Policies

Planning Policy Guidance Note 3 – Housing
Planning Policy Guidance Note 7 – The Countryside, Environmental Quality and Economic and Social Development.

Department of Environment Circular 2/93 – Public Rights of Way

Hereford and Worcester County Structure Plan

Policy H16A – Housing in Rural Areas
Policy H20 – Housing in Rural Areas
Policy CTC9 – Development Requirements
Policy CTC16 – Eyesores

Malvern Hills District Local Plan

Housing Policy 7 – Housing in the Countryside Outside of Settlements
Employment Policy 5 – Safeguarding Employment Land and Buildings

3. Planning History

NE2002/3349/F – Proposed 2-storey dwelling. Withdrawn.

NE2003/2373/U – Certificate of Lawful Use or Development for use of land for storage of timber up to a height of 1.5 metres. Approved 17th October 2003.

NE2003/3694/V – Certificate of Lawful Use or Development for use of land for the open storage of motor vehicles (not in excess of 1.5 metres in height) in Class B8. Approved 2nd February 2003.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Head of Engineering and Transport has no objections.

5. Representations

5.1 Canon Frome Parish Council comments as follows: “We feel that any development on this site must be carefully planned to blend into the area and that design and materials are paramount. We recommend that the applicant builds a small two-bedroom house or a bungalow and not a large exclusive-style house which would require too much ground area on this small plot.”

5.2 Malvern Hills District Footpath Society and The Ramblers Association have submitted the following observations:

‘Although this is a narrow site, it should be possible at this stage to design and site the proposed dwelling in such a way that the Right of Way remains unaffected along the western edge of the plot. Diversion of the footpath on to the estate road to the west is contrary to Circular 2/93.’

5.3 Four letters of objection /representation have been received from:

Mr G & Mrs S Hill, 1 Forge Courtyard, Canon Frome
Mrs H Morgan, 2 Forge Courtyard, Canon Frome
Mrs D J Davies, Mill House, 1 Millfields, Canon Frome
Mr P R Hayden, 4 Millfields, Canon Frome

The main points raised are:

- a) Reduction in sunlight to adjoining dwellings.
- b) Rural views would be blocked.
- c) Unsuitable due to its size and very narrow shape.
- d) A public footpath runs through the site.
- e) A large electricity pole would need to be moved.
- f) If planning permission is granted a single storey dwelling would be preferred.
- g) Additional traffic would be inevitable.
- h) Concerned at the state and general maintenance of this area.
- i) A sensitive design in keeping with locality to neighbours properties is required.
- j) Concern over drainage.

5.4 The applicant's agent has submitted the following information:

- a) As you are also aware, we sought and obtained Certificate of Lawfulness in this land for its use for storage of timber up to a height of 1.5 metres, and also for the storage of motor vehicles on this land, since such use falls within the same Use Class.
- b) We trust, therefore, that the application will be considered in the light of these lawful use rights and, of course, in particular, the visual and landscape damage such uses (if implemented) would cause.
- c) In our view, this site needs to be seen and assessed in the context of its immediate surrounding and the redevelopment during the last Decade of the former Sawmills and adjoining Industrial site and the 10 dwellings which have replaced those buildings and yard areas.
- d) The current site is located at the entrance cul-de-sac to Hopton Yard and by contrast both with the existing and permitted lawful uses mentioned above the erection of a single storey dwelling here would not only enhance the approach to these dwellings and secure the long term tidying up of this area, but also tie in with the new dwellings and round off this development in a sympathetic and sensitive manner.
- e) We are aware of the presence of a public footpath which crosses the site. If planning consent is granted, then an appropriate Footpath Diversion Order will be sought in order to realign the footpath along the existing cul-de-sac access road.

5.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 This 'slinget' of land is a leftover from the re-development of the former saw mills site at Canon Frome. A Certificate of Lawful Use of the site as a timber storage yard was granted in October last year and a further Certificate for Lawful Development was granted in February this year for the storage of motor vehicles. Both have a restriction on height of 1.5 metres.

6.2 A strict policy interpretation would be that the site is located in open countryside, outside of any identified settlement boundary where policy restricts development. However, Section 54 of the 1990 Act requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this particular instance a refusal would leave an area of vacant wasteland which can be used for any storage use within Class B8 of the Town and Country Planning Use Classes Order. This would be detrimental to the amenity of residents to the east of the site and to the landscape quality of the area. Although 'rounding off' is not a planning terminology this proposal would complete this development. Also the entrance to the Millfields development would be enhanced together with extensive boundary treatments. In time the development site would be assimilated unobtrusively into the rural setting. A single storey development would further limit any impact on adjoining dwellings. Consequently it is considered on this occasion that the material considerations outweigh planning policy.

6.3 Finally, a condition requiring the diversion of the footpath prior to any development on the site would protect the existing route until such time as an alternative footpath is agreed.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - **A02 (Time limit for submission of reserved matters (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2 - **A03 (Time limit for commencement (outline permission))**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 - **A04 (Approval of reserved matters)**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 4 - **A05 (Plans and particulars of reserved matters)**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5 - **H28 (Public rights of way)**

Reason: To ensure the public right of way is not obstructed.

- 6 - **All access to the site is to be via the estate road (Millfields) to the east of the site and not access for vehicle or pedestrians shall be permitted directly onto the Class III 1153 road.**

Reason: In the interests of highway safety.

- 7 - **The subsequent submission of Reserved Matters shall provide for a single storey dwelling only.**

Reason: In order to clarify the terms of this permission and reduce impact on the amenity of the area.

Informative:

- 1 - **N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.